

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Marlon Adams' motion to reopen the case. For the following reasons, the motion will be denied.

On January 10, 2018, the Court stayed all proceedings in this civil case pending final disposition of the criminal charges pending against plaintiff in *United States v. Adams*, No. 4:17-CR-579 RLW/JMB (E.D. Mo. filed Dec. 14, 2017). See ECF No. 6. As the Court stated in its order, plaintiff's § 1983 claims for illegal search and seizure, conspiracy, and his state law claim of intentional infliction of emotional distress relate to rulings that "will likely be made in [plaintiff's] pending criminal trial." *Wallace v. Kato*, 549 U.S. 384, 393 (2007). Plaintiff's pending criminal proceeding is in its preliminary stages, and pretrial motions are not due until March 7, 2018.

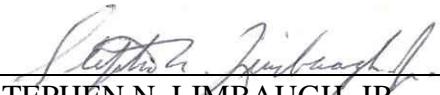
It is within the power of this District Court, in accord with common practice, to stay plaintiff's civil action until the criminal case is ended. *Wallace*, 549 U.S. at 393-94. If plaintiff is ultimately convicted in his criminal case, and if this civil case would impugn that conviction, it will be dismissed under *Heck v. Humphrey*, 512 U.S. 477 (1994). If not, plaintiff

may move to reopen this case by filing a motion to reopen after the final disposition of his criminal charges.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to reopen the case is **DENIED without prejudice.** [ECF No. 7]

Dated this 20th day of February, 2018.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE